

**BEFORE THE BOARD OF OIL, GAS, AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

FILED

JAN 25 2010

**SECRETARY, BOARD OF
OIL, GAS & MINING**

IN THE MATTER OF THE REQUEST
FOR AGENCY ACTION OF HIAWATHA
COAL COMPANY INC., PETITIONER,
FOR REVIEW OF THE CESSATION
ORDER OF THE DIVISION OF OIL,
GAS AND MINING OF FEBRUARY 5,
2009 FOR THE BEAR CANYON MINE,
PERMIT C/015/0025, Emery County, Utah

**MOTION TO CONTINUE HEARING
ON REQUEST FOR AGENCY ACTION**

Cause No.: C/015/0025A
Docket No.: 2009-006

The Division of Oil, Gas and Mining (Division) moves the Board to continue the hearing of the above entitled matter now set for January 27, 2010 until the next regularly scheduled Board Hearing on February, 24, 2010.

The underlying Bankruptcy matter was to be resolved before the January Meeting but is not. The final hearing was held but the court has not ruled on Hiawatha's claim that is should be permitted to re acquire the mine and resume as operator. It would be better to have this issue resolved by the Bankruptcy court before the matter is heard by the Board. Additional time is necessary so that these bankruptcy issues will be resolved.

Accordingly the Division moves the Board to continue the hearing of this matter until the Board Hearing scheduled for February 24, 2010 to permit time for this issue of continued operation by Hiawatha to be finally resolved in the bankruptcy court.

Respectfully submitted this 25th day of January, 2009

MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL



STEVEN F. ALDER
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing MOTION TO CONTINUE HEARING OF REQUEST FOR AGENCY ACTION for Docket No. 2009-006 Cause No. C/015/0025A to be mailed with postage prepaid to the address shown and emailed, this 25th day of JANUARY, 2010, AND by electronic email as indicated to the following:

Elliot Finley, Resident Agent
Hiawatha Coal Company
P.O. Box 1240
Huntington, Utah 84528

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Attorney for Hiawatha
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175 East 400 South, #900
Salt Lake City, Utah 84111



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2009 FOR THE BEAR CANYON MINE,
PERMIT C/015/0025, Emery County, Utah

**ORDER CONTINUING HEARING
ON REQUEST FOR AGENCY ACTION**

Cause No.: C/015/0025A
Docket No.: 2009-006

Upon motion of the Division of Oil, Gas and Mining (Division) and for good cause appearing, the Board of Oil, Gas and Mining Orders that the hearing of the above entitled matter now set for January 27, 2010 be continued until the next regularly scheduled Board Hearing at 9:00 a.m. on February 24, 2010.

Entered this ____ day of January, 2010

BOARD OF OIL, GAS AND MINING

By _____
Douglas E. Johnson, Chair

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing ORDER TO CONTINUE HEARING OF REQUEST FOR AGENCY ACTION for Docket No. 2009-006 Cause No. C/015/0025A to be mailed with postage prepaid to the address shown and emailed, this ____ day of January, 2010, to the following:

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